

## What is a “common plan of development or sale”?

“Common plan of development or sale” is used to determine the total disturbed acreage of a project and, thus, whether a construction site needs a permit. Here’s the reasoning: even though your site may only be ½ acre, the combined erosion impact of development on your lot and neighboring lots (assuming you have neighboring lots) is the same as a large development project.

The permit provides the following definition:

*“Common plan of development or sale ”* means a site where multiple separate and distinct construction activities may be taking place at different times on different schedules, but still under a single plan.

Examples include:

- 1) Phased projects with multiple filings or lots, even if the separate phases or filings/lots will be constructed under separate contract or by separate owners (e.g., subdivision). For example, if a developer buys a 20-acre lot and builds roads, installs pipes, and runs electricity with the intention of constructing homes or selling lots to other builders (per the site plan), this would be considered a common plan of development or sale.
- 2) A development plan that is phased over multiple years, but is still under a consistent plan for long-term development (e.g., phased condo development).
- 3) Neighboring lots being built according to a plat application showing an intention to build homes (or otherwise disturb more than an acre).
- 4) Projects in a contiguous area that may be unrelated but still under the same contract, such as construction of a building extension and a new parking lot at the same facility.